

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: SOMSACK SENGSAVANG

Debtor(s),

Case No.: 14-33687-KLP
Chapter 13

AMERICAN HONDA FINANCE CORPORATION

Movant,

v.

SOMSACK SENGSAVANG
SUZANNE E. WADE, ESQUIRE

Respondents.

CONSENT ORDER MODIFYING AUTOMATIC STAY

This matter was before the court on September 9, 2015, on the motion of American Honda Finance Corporation ("Honda"), for relief from the automatic stay with respect to certain personal property, to-wit:

2013 Honda Pilot, VIN 5FNYP3H2XDB026153

Upon consideration of which, it is

ORDERED:

1. The debtor will resume making regular monthly installment payments in the

Carl A. Eason, Esquire
Counsel for Honda
Wolcott Rivers Gates
200 Bendix Road, Suite 300
Virginia Beach, VA 23452
bankruptcy@wolriv.com
(757)497-6633
VSB# 18636

amount of \$ 392.09 as they become due commencing on October 1, 2015. Late payments will include applicable late charges in the amount of \$ n/a.

2. The debtor will cure the post-petition arrearage currently due to the movant through September 2015 in the total amount of \$ 401.00, which includes late charges, deferred late charges, filing fees and attorney's fees, by making the following payments:

Arrearage Payments, such as the following:

- a. \$ 401.00 on or before October 15, 2015
- b. \$ _____ on or before _____
- c. \$ _____ on or before _____
- d. \$ _____ on or before _____
- e. \$ _____ on or before _____
- f. \$ _____ on or before _____

3. In the event that any payment required by this order is not received by the movant within fifteen (15) days after it is due, the movant may mail a notice of default to the debtor by first class mail, postage prepaid, (and, if it desires, also by certified or registered mail) with a copy to debtor's counsel and the trustee by first class mail, postage prepaid, or by email at the same time as the notice of default is mailed to the debtor. The notice of default will state in simple and plan language:

- a. That the debtor is in default in making at least one payment required under this order;
- b. The dates and amount of each payment missed and any late charge of other fee necessary to cure the default;
- c. The action necessary to cure the default, including any address to which payments must be mailed;
- d. That the debtor or trustee must take one of the following actions within fourteen (14) days after the date of the mailing of the notice of default:
 - i. cure the default;
 - ii. file an objection with the court stating that no default exists; or

- iii. file an objection with the court stating any other reason why an order granting relief from the automatic stay should not be entered;
- e. That if the debtor or trustee does not take one of the actions set forth in paragraph 3(d), the movant may file a certificate that it has complied with the terms of this order and that the court may grant relief from the automatic stay without further notice to the debtor; and
- f. That if the automatic stay is terminated, the collateral may be sold.

If the debtor or trustee does not take one of the actions set forth in paragraph 3(d), the movant may submit a certificate stating that it has complied with the terms of this order and that neither the debtor nor the trustee has taken one of the actions set forth in paragraph 3(d) and may submit together with the certificate of draft order terminating the automatic stay.

If the debtor or trustee files an objection, the movant must set the matter for hearing and give notice of the hearing to the debtor, debtor's counsel and the trustee. At the hearing, the court may terminate the stay or take other action appropriate to the circumstances.

4. The provisions of this order with respect to regular monthly installment payments expire one year after the date of the entry of this order. In the event of the default in payment of any regular monthly installment payment due more than one year after the date of the entry of this order, the movant must obtain relief by filing a new motion for relief from stay with appropriate notice and hearing.

5. Until an order is entered terminating the automatic stay, the movant may not refuse to accept or apply payments tendered by the debtor, even if such payments are late or in an

Carl A. Eason, Esquire
Counsel for Honda
Wolcott Rivers Gates
200 Bendix Road, Suite 300
Virginia Beach, VA 23452
bankruptcy@wolriv.com
(757)497-6633
VSB# 18636

improper amount; however, acceptance of non-conforming payments is without prejudice and shall not constitute a waiver of any default.

6. The automatic stay is modified to permit the note holder or servicing agent to send the debtor payment coupons, payment statements or invoices, notices or late charges, notices of payment changes, notices of servicing transfers, or any other notice, other than a notice of acceleration or demand for payment of the entire balance, normally sent to customers in the ordinary course of business.

7. Should the debtor default pursuant to the terms contained herein, unless otherwise ordered by this court, the movant shall be entitled to reasonable attorney's fees in the amount of \$100.00 for issuance of a notice of default, and an additional \$ 225.00 for issuance of a certificate of default and preparation of an order terminating the automatic stay.

Sep 9 2015

_____, Virginia
_____, 2015

/s/ Keith L. Phillips

United States Bankruptcy Judge

Copies to:

Entered on Docket: Sep 10 2015

Carl A. Eason, Esquire
200 Bendix Road, Suite 300
Virginia Beach, VA 23452
Counsel for Honda

Richard J. Oulton, Esquire
8501 Mayland Drive, Suite 106
Henrico, VA 23294
Counsel for debtor(s)

Suzanne E. Wade, Esquire
P.O. Box 1780
Richmond, VA 23218-1780

Somsack Sengsavang
3109 N Parham Rd, Apt 11
Henrico, VA 23294

I ask for this:

/s/ Carl A. Eason
Carl A. Eason, Esquire
Counsel for Honda
200 Bendix Road, Suite 300
Virginia Beach, VA 23452

Seen and Agreed and the Debtors
have been advised of these terms:

/s/ Christian D. DeGuzman (electronic signature affixed with permission given by email dated 9/8/15)
For Richard J. Oulton, Esquire
Counsel for debtor(s)
8501 Mayland Drive, Suite 106
Henrico, VA 23294

Seen:

/s/ Suzanne E. Wade (electronic signature affixed with permission given by email dated 9/9/15)
Suzanne E. Wade, Esquire
Trustee
P.O. Box 1780
Richmond, VA 23218-1780

Carl A. Eason, Esquire
Counsel for Honda
Wolcott Rivers Gates
200 Bendix Road, Suite 300
Virginia Beach, VA 23452
bankruptcy@wolriv.com
(757)497-6633
VSB# 18636

CERTIFICATION OF SERVICE

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed Order has been endorsed by or served upon all necessary parties on or before the _____ 9th day of September, 2015, to Richard J. Oulton, Esquire, 8501 Mayland Drive, Suite 106, Henrico, VA 23294, counsel for Debtor; Suzanne E. Wade, Esquire, Trustee, P.O. Box 1780, Richmond, VA 23218-1780; and to the Debtor at 3109 N Parham Rd, Apt 11, Henrico, VA 23294.

_____/s/ Carl A. Eason

CERTIFICATION

The undersigned certifies that the foregoing Consent Order Modifying Automatic Stay is identical to the form order required by Administrative Order 10-2 and that no modifications, addition, or deletion has been made.

_____/s/ Carl A. Eason

Certificate of Notice Page 7 of 7
United States Bankruptcy Court
Eastern District of Virginia

In re:
Somsack Sengsavang
Debtor

Case No. 14-33687-KLP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0422-7

User: bullockn
Form ID: pdford1

Page 1 of 1
Total Noticed: 1

Date Rcvd: Sep 10, 2015

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 12, 2015.

db #+Somsack Sengsavang, 3109 N Parham Rd, Apt 11, Henrico, VA 23294-4416

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 12, 2015

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 10, 2015 at the address(es) listed below:

Carl A. Eason on behalf of Creditor American Honda Finance Corporation bankruptcy@wolriv.com
Douglas S. Rubin on behalf of Creditor Branch Banking and Trust Company rubin.doug@gmail.com,
mfreeman@siwpc.com;ewhite@siwpc.com;klane@siwpc.com;bjordan@siwpc.com;jmuncy@siwpc.com;ecfval@siwpc.com;ecfva2@siwpc.com;ecfva3@siwpc.com;
Johnnie Rush Muncy on behalf of Creditor Branch Banking and Trust Company jmuncy@siwpc.com,
drubin@siwpc.com;bjordan@siwpc.com;klane@siwpc.com;ewhite@siwpc.com;mfreeman@siwpc.com;ecfval@siwpc.com;ecfva2@siwpc.com;ecfva3@siwpc.com;
Judy A. Robbins, ll USTPRegion04.RH.ECF@usdoj.gov
Richard James Oulton on behalf of Debtor Somsack Sengsavang 2debtlawgroup@gmail.com,
thedebtlawgroupmail@gmail.com;DLGHearings@gmail.com;scgattorney@gmail.com
Suzanne E. Wade station08@ricva.net, ecfsuammary@ricva.net

TOTAL: 6